

DRAFT SUPPORTING STATEMENT
INFORMATION COLLECTION REQUEST
FOR
PAINT MANUFACTURING WASTE INDUSTRY SURVEY

Office of Solid Waste
U.S. Environmental Protection Agency

August 1999

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1. IDENTIFICATION OF INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

This Information Collection Request (ICR) is entitled, "Paint Manufacturing Industry Survey," ICR #1925.01.

1(b) Short Characterization of the Information Collection

The U.S. Environmental Protection Agency (EPA) is conducting a survey (Information Collection Request, or ICR) of the U.S. paint manufacturing industry to determine if certain residuals should be listed as hazardous waste under the Resource Conservation and Recovery Act (RCRA) Section 3001(b)(1) (42 U.S.C. 6921). The consent decree in *EDF v. Browner* (Civ. No. 89-0598 D.D.C.) obligates EPA to propose and finalize listing determinations for specific wastes as outlined in RCRA Section 3001(e)(2) (42 U.S.C. 6901)¹. With respect to the paint industry, EPA must promulgate final listing determinations for the following five paint production residuals:

- ▶ solvent cleaning wastes,
- ▶ water/caustic cleaning wastes,
- ▶ wastewater treatment sludge,
- ▶ emissions control dust or sludge, and
- ▶ off-specification production wastes.

This ICR is necessary because EPA does not currently have sufficient information to evaluate and promulgate a listing determination for the paint manufacturing industry under Sections 3001 and 3004 of RCRA (42 U.S.C. 6921 and 6924). If approved by the Office of Management and Budget (OMB), this ICR will include three specific information collection mechanisms:

- ▶ RCRA Section 3007 Questionnaire. EPA will conduct a census of the U.S. paint manufacturing facilities and administer a questionnaire through a mail survey to these facilities. EPA will compile the data collected from the questionnaire on the number, location, and demographics of facilities generating paint waste streams. EPA will use this information to characterize paint waste types and quantities, physical and chemical characteristics, and waste management practices. In addition, some follow-up via telephone and/or letter may be necessary if some responses are incomplete and/or unclear.
- ▶ RCRA Section 3007 Letters. In addition to the administration of the questionnaire, EPA will send letters to no more than 100 paint facilities (which will also receive the questionnaire) requesting process schematic information. These facilities will be selected based an analysis of

¹RCRA Section 3001(e)(2) (42 U.S.C. 6901) states "No later than fifteen months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, the Administrator shall make a determination of whether or not to list under subsection (b)(1) the following wastes: Chlorinated Aliphatics, Dioxin, Dimethyl Hydrazine, TDI (Toluene Diisocyanate), Carbamates, Bromacil, Linuron, Organobromines, solvents, refining wastes, chlorinated aromatics, dyes and pigments, inorganic chemical industry wastes, lithium batteries, coke byproducts, paint production wastes [emphasis added], and coal slurry pipeline effluent."

publicly available information. EPA's purpose for requesting this information is to gain an understanding of how different types of wastes are generated.

- ▶ **Site visits to individual facilities.** The Agency will perform no more than 25 sites trips to collect waste management information following the ICR review process. The purpose of these visits is to gather process, waste generation, and waste management information. Information collected during the site visits will supplement data obtained from the RCRA Section 3007 Questionnaire responses. Sampling and analysis efforts will be performed at a limited number of facilities.

These information collection mechanisms will expand on EPA's current understanding of the paint manufacturing industry's residual management practices. These survey tools are designed to provide an accurate picture of the waste generation patterns in the paint manufacturing industry group while minimizing the burden placed on the industry. Current available information, in combination with the questionnaire responses, process description information, site visit reports, and sampling results will provide information necessary to make hazardous waste listing determinations.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

2(a)(i) Hazardous Waste Listing

EPA has the authority pursuant to RCRA to promulgate regulations to identify and list hazardous wastes². EPA must compile an extensive information base to determine whether or not to list a hazardous waste. The information required to make this determination includes details of waste generation (including volume), analyses of waste constituents, and waste management practices for the targeted industry. EPA uses the data collected to decide whether to develop regulations to identify and control hazardous waste.

In this case, EPA will use data collected from the RCRA Section 3007 Questionnaire, Letter, and site visit – in conjunction with current available information – to determine whether risks presented by the management of the waste generated by the paint manufacturing industry meets the risk-based criteria for listing at 40 CFR 261.11. Section 3007(a) of RCRA (42 U.S.C. 6927) authorizes the collection of this information under the provisions of OMB #2050-0042³. The Agency uses this information to characterize the potential risks presented by each waste considering current waste management practices, release and transport pathways, attenuation mechanisms, potential exposures for various environments and species, and the hazards created by these potential exposures. These analyses ensure that any

²RCRA Section 3001(b)(1) states that "...the Administrator shall promulgate regulations identifying the characteristics of hazardous waste, and listing particular hazardous wastes (within the meaning of Section 1004(5), which shall be subject to the provisions of this subtitle."

³The Agency has the authority to collect data from industries under RCRA Section 3007(a) (42 U.S.C. 6927), which specifically states that "any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes" is required to "furnish information relating to such wastes" upon EPA request. This information request can be made "for purposes of developing or assisting in the development of any regulation...."

regulatory action is fully supported by risk assessment and that each listing action results in significant environmental protection.

2(a)(ii) Land Disposal Restrictions and Capacity Analysis

The Hazardous and Solid Waste Amendments (HSWA) to RCRA require EPA to make a land disposal prohibition determination for any hazardous waste that is newly identified or listed after November 8, 1984 [RCRA Section 3004(g)(4); 42 U.S.C. 6924(g)(4)]. If the Agency decides to list some or all paint residuals as hazardous, the land disposal restrictions (LDR) and the associated capacity determinations for a newly listed waste must be promulgated within six months of the listing date. EPA will use the information gathered through the ICR to support rulemaking activities under 40 CFR Part 268, the land disposal restrictions (LDRs).

EPA will use the information gathered through the ICR to support rulemaking activities under 40 CFR Part 268, the land disposal restrictions (LDRs) Information obtained from the questionnaire, letters and site visits will be used to help determine waste specific LDR treatment requirements. The data from the paint industry survey will also be used for Regulatory Impact Assessments, Economic Impact Assessments, Capacity Analyses, and Risk Assessment.

A land disposal prohibition establishes treatment levels or methods that a hazardous waste must meet before it is land disposed. These treatment levels or methods must substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste to minimize short-term and long-term threats to human health or the environment [RCRA Section 3004(m)(1); 42 U.S.C. 6924(m)(1)].

Before EPA can restrict a particular hazardous waste from further land disposal, it must demonstrate that adequate treatment and management capacity exists to treat, recover, or dispose of the newly identified hazardous waste consistent with the new treatment standards. If adequate national capacity for a specific newly identified hazardous waste does not exist, EPA may grant national capacity variances on a waste-specific basis until adequate alternative management capacity exists, or a variance of two years, whichever is shorter [RCRA Section 3004(h)(2); 42 U.S.C. 6924(h)(2)].

2(b) Practical Utility/Users of Data

EPA's Office of Solid Waste (OSW) will use the data collected under the authority of RCRA Section 3007 to:

- compile data characterizing paint manufacturing waste volumes and management practices;
- ▶ identify any paint manufacturing residuals that should be listed under 40 CFR 261.31, 261.32 and 261.33;
- ▶ perform engineering analyses, draft background documents, and conduct economic impact

analyses in support of new listing determinations and land disposal restrictions (if applicable); and,

- ▶ provide baseline data for regulatory impact analyses, economic impact analyses, risk assessment and capacity analyses.

These tasks will be completed by OSW's:

- ▶ Hazardous Waste Identification Division (HWID) who is responsible for fulfilling the hazardous waste listing portion of the legislative and judicial mandates.
- ▶ Economics Methods Risk Assessment Division (EMRAD) who is responsible for completing risk and economic analyses to support a hazardous waste listing determination.
- ▶ Hazardous Waste Minimization and Management Division (HWMMD) who is responsible for determining waste-specific treatment standards, and assessing availability and demand for hazardous waste treatment capacity at hazardous waste treatment and disposal facilities.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

The purpose of this ICR is to collect additional information that supplements EPA's initial paint manufacturing industry survey of publically available information. These data will enable EPA to make hazardous waste listing determinations as stipulated under 40 CFR §261.11.

EPA previously studied the paint manufacturing industry in the 1980s. Before developing this ICR request, EPA reviewed the materials prepared during this earlier industry study. In addition, EPA non-hazardous waste reports were reviewed for information pertaining to the paint manufacturing industry. For instance, the 1986 EPA "Industrial Subtitle D Screening Information" report contains only data describing the quantities of industrial non-hazardous waste managed and the number of units used to manage the waste. Similarly, the EPA "Summary of Data on Industrial Non-hazardous Waste Disposal Practices" reports contain information on non-hazardous industrial waste quantities and waste management units. As well, several information sources were investigated for data relevant to the paint manufacturing industry, including:

- ▶ Kirk-Othmer Encyclopedia of Chemical Technology,
- ▶ Toxline 1981 to present,
- ▶ National Technical Information Service (NTIS),
- ▶ Comprehensive Environmental Response, Compensation, and Liability Act Information System (CERCLIS), all Records of Decisions (RODs) with "paint" root - 113,
- ▶ Federal Register (1994 to present),
- ▶ Paint Red Book (survey results published by the Modern Paint and Coatings journal),
- ▶ National Paint and Coatings Association publications, and
- ▶ Studies on the paint industry by EPA's Risk Reduction Laboratory.

From these sources, EPA was able to obtain general information characterizing the paint manufacturing industry, paint technology and formulation, and the management of paint manufacturing waste. EPA

was also able to develop a list of paint manufacturing facilities that manage any or all of the five target residuals.

EPA also investigated databases that provide data on paint manufacturing waste characterization and releases that are already regulated as hazardous wastes. These databases include:

- ▶ Resource Conservation and Recovery Information System – is a national program management and inventory system of RCRA hazardous waste handlers. Handlers identified in this database are characterized as fitting one or more of the following categories:
 - ▶ Treatment, Storage and Disposal Facilities (TSDs)
 - ▶ Large Quantity Generators (LQGs)
 - ▶ Small Quantity Generators (SQGs)
 - ▶ Transporters.RCRIS captures identification and location data for all handlers and also a wide range of information on TSDs regarding permit/closure status, compliance with Federal and State regulations, and cleanup activities.
- ▶ Hazardous Waste Biennial Reporting System (BRS) – identifies waste that facilities generate, ship off-site, or receive. BRS is a national system that collects data on the generation, management, and minimization of hazardous waste. These data are collected every other year and the BRS allows you to perform trend analyses based on these data. Biennial Reports provide information on the type and quantity of hazardous waste streams (as defined by EPA), but provide only a general description of the waste matrix, the production and waste generation processes involved. BRS reporting does not include non-hazardous waste.
- ▶ Toxic Release Inventory (TRI) Database – identifies releases and transfers of toxic chemicals from manufacturing facilities. Although the TRI database may contain information on industrial waste streams not listed as hazardous under RCRA, the information does not include a description of the raw materials employed or the generation of particular waste streams, nor does it provide detailed information on the quantity of the waste streams produced. Further, information from the TRI is limited because of threshold reporting requirements not applicable to RCRA⁴.

Existing information sources that specifically contain characterization information on industrial non-hazardous waste generated by the paint manufacturing industry have been examined and were found to be limited in scope. For instance, existing information on current characterization of paint manufacturing residuals reflecting implementation of facility-level pollution prevention programs is not available. Neither the TRI nor the BRS data is sufficient for HWID to make a hazardous waste listing determination on paint waste. The RCRA Section 3007 Questionnaire, Letter, and site visits will be used to collect information that is not available in these information sources, yet is critical to proper characterization of paint manufacturing processes and associated wastes.

⁴ For instance, among other reporting thresholds, a facility must have at least 10 or more full-time employees. Furthermore, to be subject to TRI reporting a facility must also meet one the following thresholds for a listed EPCRA section 313 chemical: manufacture (including imports) more than 25,000 pounds/year, or process more than 25,000 pounds/year, or otherwise use more than 10,000 pounds/year.

3(b) Public Notice Required Prior to ICR Submission to OMB

EPA is soliciting comments for sixty (60) days on this ICR in compliance with the 1995 Paperwork Reduction Act. EPA is taking public comments prior to submitting this ICR to OMB. Comments are also requested on the RCRA Section 3007 Questionnaire burden estimates and costs associated with this burden for respondents. Comments received will be considered by EPA before submitting a Final Supporting Statement to OMB. A copy of the Federal Register notice is included as Appendix B.

3(c) Consultations

EPA has spoken with industry on the use of a RCRA Section 3007 Questionnaire. As well, responses received during public comment periods for other questionnaires sent to industrial sectors over the past five years were considered in the development of the paint industry questionnaire. In addition, the Agency has experience evaluating RCRA Section 3007 questionnaire responses. HWID has learned from the strengths and weaknesses of similar questionnaires and has intentionally streamlined this questionnaire to reduce the burden of the questionnaire on the Paint Manufacturing Industry.

3(d) Effects of Less Frequent Collection

The paint manufacturing industry 3007 questionnaire and 3007 letter each require a one-time data collection effort. The questionnaire and letter will not be repeated, although information may need to be updated periodically during the regulatory development process. Updates and clarifications will only be requested on an as-needed basis for specific data elements.

3(e) General 3007 Questionnaire and 3007 Letter Guidelines

The questionnaire and letter are one-time data collection efforts. No special records must be maintained by the respondents to complete questionnaires, letters, or updates. It is recommended that the respondent keep one copy on file to respond to any follow-up questions by the Agency. Only available information is requested. When a respondent does not have sufficient information in the facility files to complete the questionnaire, respondents may rely on engineering judgement to provide responses.

The data collection efforts requested under this ICR do not include statistical surveys, and therefore, statistical guidelines are not applicable.

Respondents are being given 30 days to respond to the questionnaire. Those facilities which receive the additional paint production process description request letters will have 15 days to respond to the letter. These time frames should be sufficient for the paint facilities to gather and compile the requested information and to complete their responses. The Agency is under very strict time constraints, and is not expecting to grant any extensions to the response period.

Respondents may submit their response to the RCRA Section 3007 Questionnaire in hardcopy format or electronically. To submit an electronic response, the respondent should return the entire CD ROM containing the requested information. For electronic submittals, a hardcopy of the Certification statement must also be submitted. Respondents are expected to complete and submit all questionnaires in compliance with RCRA Section 3007 authority.

3(f) Confidentiality and Sensitive Questions

3(f)(i) Confidentiality

EPA will handle all information claimed as CBI according to EPA's protocol for managing CBI under RCRA. The Agency implements a RCRA CBI Security Plan to handle the CBI data collected through various data collection and management activities. Completed questionnaires and letters that contain any responses claimed as CBI should be returned by facilities directly to the EPA RCRA CBI contact indicated in the questionnaire and letters. The CBI responses will be logged in and handled as CBI immediately upon receipt by EPA. The law has provided standards, responsibility, and accountability for the control and security of documents and computer systems that contain CBI data under the following federal statutes and regulations:

- ▶ 42 U.S.C. 6927(b), Disclosure of Data (RCRA)
- ▶ 5 U.S.C. 552, Freedom of Information Act
- ▶ 18 U.S.C. 1905, Disclosure of Confidential Information
- ▶ 40 CFR Part 2, Confidentiality of Confidential Information
- ▶ 41 CFR Part 15, Public Contracts and Property Management.

Respondents who claim information as CBI are required to substantiate each claim. A substantiation form required for each claim is provided in the Appendix to the questionnaire and letter. EPA contractor staff are involved in supporting this effort. Each staff member is cleared to handle CBI data and each contract has an established security plan to ensure that only individuals and contractors cleared to handle CBI data have access to any CBI materials. The contractors' CBI security plan includes the following:

- ▶ A complete description of secured areas.
- ▶ Specific CBI procedures and responsibilities.
- ▶ All forms designed for the receipt, indexing, tracking, destruction, and employee confidentiality relating to CBI information.
- ▶ A computer security plan.
- ▶ Procedures for screening business information for claims of confidentiality.
- ▶ Confidentiality agreement for contractor employees upon termination or transfer.
- ▶ Destruction of CBI materials upon approval.

3(f)(ii) Sensitive Questions

EPA will not ask any questions of a sensitive nature as defined by the Privacy Act of 1974 and OMB Circular A-130.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/SIC Codes

EPA will be surveying the paint manufacturing industry with this questionnaire. A number of individuals at any given facility are probably capable of responding to the RCRA Section 3007 Questionnaire and/or Letter. The cognizant officials are generally environmental and/or operation managers who are responsible for product/process operations. While these individuals may not actually

complete the RCRA Section 3007 Questionnaire or Letter, they have the ultimate responsibility for accurate completion and review/certification of the questionnaire or letter. Other individuals likely to be included in the completion of the questionnaires/letters include anyone familiar with the product and process operations at the facility. These individuals will typically include a plant or process engineer, a process chemist, a waste management engineer, an attorney and operations personnel necessary for the accurate completion of the form.

4(b) Information Requested

4(b)(i) Data Items/Description of the RCRA Section 3007 Questionnaire and Letter Instruments

The format of the RCRA Section 3007 Questionnaire is tailored to the characteristics of and facility types found within the paint manufacturing industry. EPA has insufficient information on the volumes, compositions, and hazardous nature of the wastes currently generated by this industry therefore, EPA is issuing a census survey (industry-wide) with a limited range of questions. Responses to this survey will establish a baseline of information about paint manufacturing waste management. EPA will subsequently conduct analyses to determine the risk and regulatory impact of a positive listing determination.

EPA is aware that there are many different paint formulations and a large number of different raw materials used in product formulations. This diversity increases the likelihood of multiple compounds being present in a waste stream and/or multiple waste streams. EPA's recognition of the complexity of this industry further underscores the need for a census of all paint manufacturing facilities. A census RCRA Section 3007 Questionnaire is used when the targeted industrial group is relatively large (e.g., more than 500 facilities) and has not previously or recently (i.e., within the past 10 years) been subject to information collection by the Agency. The census should provide a more exact picture of an industry since it includes all facilities.

The RCRA Section 3007 Questionnaire for the paint manufacturing industry contains an introduction section and general instructions followed by four sections of questions. The information requested in each section is crucial to the proper characterization of paint manufacturing waste generation and management. The content of each section of the questionnaire is summarized below. A copy of the Paint Manufacturing Industry RCRA Section 3007 Questionnaire is included as Appendix B.

RCRA Section 3007 Questionnaire:

1. Instructions. This section covers the ground rules for the questionnaire, including how to claim information as CBI and the definitions of key terms used throughout the questionnaire. The instructions state that any facility receiving the questionnaire which has not previously or does not currently manufacture paint is only required to complete Sections 2 and 5b of the questionnaire.
 - 1a. Corporate and Facility Information. This section identifies the corporate and production plant name, location, RCRA hazardous waste generator identification number and RCRA facility identification number. EPA also requests the name and phone number of personnel to be contacted for additional information or clarification of information.

3. Residual Generation and Residual Management Practices.

This portion of the questionnaire is divided into three sections.

3a. Residual Generation Description.

This section requests that facilities state whether they generate any of the residuals of concern (solvent cleaning wastes, water/caustic cleaning wastes, wastewater treatment sludge, emissions control dust or sludge, and/or off-specification production wastes). The waste code for residuals currently managed as hazardous waste is requested, as well as the amount of residual generated in 1997 and 1998.

3b. Residual Management Activity Information for Each Residual Identification Number Specified.

This section requests information characterizing each on-site and off-site residual management unit used for managing the residuals identified in the previous question. EPA requests information on residual management location (on-site or off-site) and residual containment (liners, run-off controls, daily cover).

3c. Residual Constituent Information.

This section requests information on the constituents, including concentration, of each residual identified in Section 3a that was generated in 1998.

4. Certification.

This portion of the questionnaire is divided into two sections.

4a. Certification of Information Provided.

A responsible facility official will be asked to certify that the information provided in response to the questionnaire is accurate and complete.

4b. Certification For Non-Manufacture of Paint.

For any facility which has not previously or does not currently manufacture paint, a responsible facility official will be asked to certify that the facility has not and does not generate any paint residual covered under the scope of the questionnaire.

The RCRA Section 3007 Letter requesting process flow diagrams and/or descriptions will be sent to a maximum of 100 paint manufacturing facilities. These facilities will also receive the questionnaire. The letter will contain an introduction section followed by four other sections. The content of each section of the letter is summarized below, and a copy of the Paint Manufacturing Industry RCRA Section 3007 Letter will be included in Appendix B.

RCRA Section 3007 Letter:

1. Instructions.

This section covers the ground rules for the letter, including how to claim information as CBI.

2. Corporate and Facility Information.

This section requests the corporation and production plant name and location. The facility should also provide the name and phone number of personnel to be contacted for additional information or clarification of questionnaire responses.

3. Process Schematic Information.

This section requests process flow diagrams and/or descriptions for each paint manufacturing process conducted at the facility.

4. Certification.

A responsible facility official will be asked to certify that the information provided in response to the letter is accurate and complete.

4(b)(ii) Respondent Activities

EPA will use the responses to the questionnaire to compile national paint waste generation numbers and waste management practices. This information will be used in the human health and environmental risk assessment of the hazards from exposure to these wastes and to provide information for EPA regulatory decisions on hazardous waste.

EPA will send the questionnaire to all known paint manufacturing facilities. Facility personnel should initially read and review the questionnaire to determine what information is required for its completion. Next, the information needed to complete the form will be collected and compiled, and completion of the form can begin. Once the facility has completed the form, EPA anticipates a thorough review of the form for completeness in order to comply with the certification requirements at the end of the survey. The completed form is then returned to EPA. If questions arise during EPA review of the questionnaire, facility personnel will be asked to answer any follow-up questions pertaining to the questionnaire and its contents.

If selected, a paint manufacturing facility will also receive a letter requesting process schematic information. The respondent activities for this letter will be similar to those for the questionnaire.

Facilities that claim any of their responses, to either the questionnaire or the letter, as CBI are required to justify this claim for each response by answering the questions contained in Appendix A of the draft questionnaire (see Appendix B of this ICR for a copy of the draft questionnaire) or Appendix A of the draft letter (see Appendix B of this ICR for a copy of the draft letter).

EPA may select certain paint manufacturing facilities to collect residual samples following EPA's review of all paint industry responses to the questionnaires.

EPA is not requesting or requiring respondents to collect any additional information to complete the questionnaire or letter. Responses are to be based on currently available data. The types of information being requested are maintained as part of normal business practices in the paint manufacturing industry. Therefore, minimum effort should be required to gather and compile the information requested by the questionnaire and the letter.

EPA will not request any paint industry respondent to perform any special analyses or tests to complete the questionnaire. If the facility does not know the response to a question and does not have the

information, the facility is to use the best engineering judgement of qualified personnel to provide a response.

5. THE INFORMATION COLLECTED - AGENCY ACTIVITIES, COLLECTION METHODOLOGY AND INFORMATION MANAGEMENT

5(a) Agency Activities

There are three basic phases to Agency activities relating to the Paint Manufacturing Industry Survey. The first phase involves developing the questionnaire and letter and compiling the mailing list of paint manufacturing facilities. The second phase involves mailing out and tracking the receipt of the questionnaires and the letters requesting the paint process descriptions. EPA will review the responses to the questionnaires and letters, and will select approximately 25 facilities for site visits. Samples may also be collected during the site visits.

Phase 1

The first activity undertaken by the Agency is the development of a mailing list of the universe of relevant paint manufacturing facilities and the drafting of the questionnaire. The list of target paint manufacturing facilities was compiled during engineering review of the information sources listed in Section 3(a). A questionnaire will be sent to all facilities identified as manufacturing paint. Based on available information, EPA believes that some of these facilities may not actually manufacture paint. These facilities will only be required to fill out two sections of this survey: Corporate and Facility Information and Certification For Non-Manufacturers of Paint. Concurrent with development of a facility mailing list, EPA will finalize the questionnaire instrument. Responses to questionnaires are used in part to develop hazardous waste identification and control regulations. It will also be used to determine which sites should be visited and what samples collected.

A list of up to 100 paint manufacturing facilities, from which process schematic information will be requested, will be developed using the information sources listed in Section 3(a).

Phase 2

After the questionnaire is developed, reviewed and approved by OMB, EPA mails the questionnaires to respondents and tracks the receipt of completed questionnaires.

To ensure that a high questionnaire response rate is achieved, telephone or letter follow-up efforts will be conducted. These follow-up efforts will be designed to obtain a maximum response rate. Telephone follow-up efforts also will be conducted to obtain missing responses noted by EPA during the initial review.

The RCRA Section 3007 letters will also be mailed in this phase, and the receipt of completed responses will be tracked.

Phase 3

When the questionnaires and letters have been completed and received by EPA, all of the questions and answers will be reviewed to evaluate the technical consistency of the responses. After the technical review, EPA may make additional telephone or letter follow-ups for clarifying information. Sites will be selected for follow-up site visits and samples may be collected. Data received from the questionnaire, letter, and site visits will be entered and managed in an intra-Agency database.

All requests for confidentiality must be acknowledged and the proper steps taken to provide appropriate protection. The Agency will handle all such requests in compliance with the RCRA CBI security requirements. Protected CBI data, along with all other data collected, will be stored appropriately. CBI data will be stored in such a manner that it remains protected but accessible to those cleared for and requiring use of it.

5(b) Collection Methodology and Management

EPA wrote the RCRA Section 3007 questionnaire in the "plain language" format to ensure that questions were asked in a clear and concise manner and to reduce burden on the facility. During the past 15 years, RCRA Section 3007 prequestionnaires and questionnaires have been administered to a number of industries and responses have been carefully evaluated. The current RCRA Section 3007 Questionnaire is designed specifically to obtain the necessary information with the least amount of burden and confusion to the respondent.

The RCRA Section 3007 Letter is designed to collect information that has not been requested in previous RCRA Section 3007 questionnaires. To reduce the burden to the industry, EPA decided that collecting this information from all paint manufacturing facilities would not be necessary. Collection of this information from a small number of facilities (no more than 100) should be sufficient to gather the data required.

The questionnaire will be mailed to all paint facilities in both paper and electronic format. Each facility will receive both a hard copy of the questionnaire and a CD-ROM containing a run-time version of a database program that allows the facility to access the questionnaire and complete it electronically. Each facility will have the option of choosing the format they prefer for completing the questionnaire. If the response is submitted electronically, a hardcopy submittal of Section 5 (Certification) will be required. The letter will be mailed in paper format only. The burden estimates associated with the RCRA 3007 Questionnaire are based on a facilities' time spent completing the hard copy version. The Agency expects the burden to the respondent will be reduced with the use of the electronic version.

A number of steps will be taken to ensure the accuracy and reliability of the data from the Paint Manufacturing Industry Survey RCRA Section 3007 Questionnaire and Letter. Efforts will be taken to ensure that EPA obtains a reasonable response rate. EPA will strive for a 100% response rate. To obtain this response rate, EPA will include a cover letter with each questionnaire and letter stating the obligations that each respondent has in responding. EPA also will provide technical assistance to help complete this survey. The telephone number for this technical assistance will be printed on the cover of the questionnaire and in the letter. Respondents will be encouraged to use the number for any questions concerning the completion of this survey.

In addition to providing assistance to respondents for completion of the questionnaires and letters, EPA will conduct follow-up telephone calls or send reminder letters encouraging facilities to complete and

return the survey. Each response will be reviewed by someone in the Hazardous Waste Identification Branch for technical consistency and completeness. The HWID professionals performing these reviews will identify any major problems and contact the respondents for clarification or additional information required for the questionnaire or letter completion.

The response data will be entered into a database system for ease of viewing and tabulating the information. This EPA database is designed and maintained in accordance with Agency CBI procedures, although non-CBI datasets and outputs will be assembled for public viewing during the rulemaking process.

5(c) Small Entity Flexibility

Small businesses generally produce smaller volumes of paints and, therefore, generate fewer wastes. A small paint manufacturing facility with smaller paint volumes can generally complete the questionnaire in a shorter time period than a larger facility. Also, small businesses will not be asked to perform any special analyses or tests to fulfill the information requirements. If data are not available upon which to base a response, the respondent can use his/her best engineering judgement for providing a response.

5(d) Collection Schedule

Following notification in the Federal Register and subsequent approval by OMB, EPA estimates that the paint manufacturing questionnaire and letter will be mailed to facilities in February 2000. Facilities will be given 30 days to respond to the questionnaire and 15 days to respond to the letter. EPA will visit approximately 25 facilities early in 2000 to verify response information and possibly collect samples of residuals of concern. EPA may elect, however, to perform sampling prior to issuing the questionnaire. EPA will enter questionnaire and letter responses and site visit information into the database beginning in April 2000. Following QA of the database system, analysis of the paint manufacturing questionnaire data will begin in May 2000.

6. ESTIMATING THE BURDEN AND COST OF THE DATA COLLECTION

6(a) Estimating Respondent Burden

The burden on the paint production industry associated with this information collection request consists of responding to the questionnaire (required for all recipients of the questionnaire), responding to the paint process flow diagram request letter (required for up to 100 facilities to be selected by EPA), and supporting EPA site visits (required for a limited number of facilities to be selected by the EPA).

The burden estimate is based on the premise that the time required to complete the questionnaire is primarily a function of how many of the five residual streams of interest are generated by the respondent facility. Based on information received recently from industry, EPA estimates that many facilities receiving the questionnaire will respond that they do not currently manufacture paint. EPA also estimates that 50 percent of the remaining respondents generate solvent cleaning residuals, 100 percent generate water and/or caustic cleaning residuals, 50 percent generate wastewater treatment sludges on-site, 80 percent generate emission control dusts and sludges, and 100 percent generate off-specifications production residuals. Exhibit 6-1 presents average burden hour estimates, per facility, for responding to

the Paint Manufacturing Industry Questionnaire, for responding to the Letter, and for supporting one EPA site visit.

EPA estimates that a respondent will need, on average, a total of 28 hours to complete the questionnaire, 6 hours to complete the letter, and 10 hours to support an EPA site visit. This estimate includes burden associated with justification of CBI claims for questionnaire and letter responses. The estimates are based on the Agency's past experience with administering the RCRA Section 3007 Questionnaires and site visits, as well as on other data collection activities involving environmental engineering data from facilities.

**Exhibit 6-1. Estimated Burden Hours for Data Collection
Paint Production Industry Questionnaire and Site Visit**

Respondent Activity	Labor Category				
	Legal	Managerial	Technical	Clerical	Total
a. Read and Complete Questionnaire					
- Part 1 (Background/Instructions)		1.0	0.5		1.5
- Part 2 (Corporate and Facility Information)		1.0		0.5	1.5
- Part 3 (Residual Generation and Residual Management Practices)		1.0	9.0	3.0	13.0
- Part 4 (Certification and CBI Justification)		2.0		2.0	4.0
b. Review					
- Review	3.0	2.0	3.0		8.0
Total Hours for Questionnaire	3.0	7.0	12.5	5.5	28.0
a. Read and Complete Letter					
- Part 1 (Background/Instructions)		0.5			0.5
- Part 2 (Corporate and Facility Information)		0.5		0.5	1.0
- Part 3 (Process Schematic Information)			2.0		2.0
- Part 4 (Certification and CBI Justification)		0.5		0.5	1.0
b. Review					
- Review	0.5	1.0			1.5
Total Hours for Letter	0.5	2.5	2.0	1.0	6.0
d. Site Visit (Selected Sites)					
- Prepare for, secure access and escort sampling team		2.0	8.0		
Total Hours for Site Visit	0.0	2.0	8.0	0.0	10.0

6(b) Estimating Respondent Costs

As this is a one-time survey without record keeping requirements, there are no capital and operation and maintenance costs. Therefore, the only respondent costs associated with the Paint Manufacturing Waste Industry Survey and site visits are labor costs.

6(b)(i) Estimating Labor Costs

For each of the activities presented in Exhibit 6-1, EPA has estimated average associated costs. The costs will vary depending on the complexity of the production process (e.g., number of process units) and the complexity of facility operations. The more time-consuming and labor-intensive the activity, the higher the estimated cost to the respondent.

EPA estimates that a facility will spend an average of \$1,184 to complete the questionnaire. These costs correspond to the labor required to gather and compile the information required to complete the forms, and to provide a thorough review of the completed questionnaire. For facilities that receive the RCRA Section 3007 Letter, EPA estimates that a facility will spend an average of \$260 to complete the response. For those facilities that will be visited by EPA, an average of \$525 is estimated to be spent to cover the time required to coordinate the visit and escort the EPA team.

The average annual salaries of the professionals listed in Exhibit 6-2 are based on data found in the following references:

- 1998-99 Occupational Outlook Handbook (Bureau of Labor)
- America's Job Bank (Bureau of Labor and State Employment Services, 1999)

Wages were calculated using the salaries of mid-level employees in the private sector. Managerial wages were based on average wages for experienced chemists with a master's degree. Technical wages were based on average wages for experienced chemists with a bachelor's degree.

The total costs for respondents, broken down by labor category, are presented in Exhibit 6-2.

**Exhibit 6-2 Estimated Respondent Costs in Dollars,
per Questionnaire and Site Visit**

Labor Category	Average Annual Salary	Average Labor Rate (\$/hr)	Average Loaded Labor Rate* (\$/hr)	Questionnaire	
				Hours	Total \$
Legal	\$72,840.00	35.0	63.0	3	\$189
Managerial	\$56,200.00	27.0	48.6	7	\$340
Technical	\$49,400.00	23.8	42.8	12.5	\$534
Clerical	\$25,300.00	12.2	21.9	5.5	\$120
Total for Questionnaire					\$1,184
				Letter	
Legal	\$72,840.00	35.0	63.0	0.5	\$32
Managerial	\$56,200.00	27.0	48.6	2.5	\$122
Technical	\$49,400.00	23.8	42.8	2	\$86
Clerical	\$25,300.00	12.2	21.9	1	\$22
Total for Letter					\$260
				Site Visit	
Legal	\$72,840.00	35.0	63.0	0	\$0
Managerial	\$56,200.00	27.0	48.6	2	\$97
Technical	\$49,400.00	23.8	42.8	10	\$428
Clerical	\$25,300.00	12.2	21.9	0	\$0
Total for Site Visit					\$525

*Loaded hourly rates include 80% overhead

6(b)(ii) Estimating Capital and Operations and Maintenance Costs

There are no capital nor operations and maintenance costs associated with this information collection activity.

6(c) Estimating Agency Burden and Costs

The EPA burden and cost estimate is based on the following assumptions:

- 1,200 facilities will be requested to respond to the questionnaire;
- All 1,200 facilities will return a completed questionnaire;
- 1,200 questionnaires will be prepared and mailed in both electronic (on CD-ROM) and hard copy format;
- 100 facilities will be requested to respond to the letter;
- All 100 facilities will return a completed response to the letter;
- 100 letters will be prepared and mailed in hard copy format;

- 25 of the 1,200 facilities will be visited by the Agency;
- 2 hours per questionnaire are required for review and comment preparation and mailing;
- 0.5 hours per letter are required for review ;
- 0.5 hours per facility are required to respond to questions regarding the questionnaire or letter;
- No sampling is required as part of the site visits;
- The site visit personnel will consist of a three-person team;
- 13 of the site visits will be within driving distance and 12 will require air travel at a cost of \$500 per ticket (and renting a car at \$100 per trip);
- Site visits requiring air travel will require one overnight stay at a hotel;
- Site visits requiring air travel will total 16 hours per person;
- Site visits within driving distance will require 10 hours per person;
- EPA personnel rates are estimated at GS-12 step 5, multiplied by a benefit multiplication factor of 1.6, for a rate of \$42.5 (rates obtained from the US Office of Personnel Management, 1999 General Schedule, Locality Rates of Pay for Washington - Baltimore);
- EPA's contractor loaded rates are estimated at \$50 per hour; and
- Reimbursable personal expenses will amount to \$150 per two-day trip per person and to \$40 per one-day trip per person.

Based on these assumptions, EPA estimates that a total Agency burden of 3,566 hours is associated with the paint production industry questionnaire, letter, and site visits. Approximately 26% of these hours are estimated for Agency employees managing the effort. The remaining hours will be used by government contractors to actually gather, administer, and manage the data from the RCRA Section 3007 Paint Production Industry Questionnaire and site visits. EPA estimates that the total costs to the Federal Government for this data collection will be \$197,395.

The federal government burden information is presented in Exhibit 6-3. Exhibit 6-3 displays the data collection activities, broken down into the labor hours and funds expended by activity.

Exhibit 6-3 Estimated Costs to Federal Government

Activity	U.S. EPA		Contractor		Total	
	Hours	\$	Hours	\$	Hours	\$
Questionnaires						
Preparation and approval	30	\$1,275	60	\$3,000	90	\$4,275
Multiplication (hard copies and CD-ROMs) and mailing			300	\$15,000	300	\$15,000
Questionnaire "hot-line" *	140	\$5,950	280	\$14,000	420	\$19,950
Response review	420	\$17,850	1,260	\$63,000	1,680	\$80,850
Total Questionnaires	590	\$25,075	1,900	\$95,000	2,490	\$120,075
Letters (100 facilities)						
Preparation and approval	10	\$425	20	\$1,000	30	\$1,425
Multiplication and mailing			30	\$1,500	30	\$1,500
Response review	20	\$850	30	\$1,500	50	\$2,350
Total Questionnaires	30	\$1,275	80	\$4,000	110	\$5,275
Site Visits (25 facilities)						
Travel (one EPA** and two contractor personnel)		\$9,520		\$16,640		\$26,160
Personnel time	322	\$13,685	644	\$32,200	966	\$45,885
Total Site Visits	322	\$23,205	644	\$48,840	966	\$72,045
Grand Total	912	\$48,280	2,544	\$143,840	3,566	\$197,395

* One hot line will be provided to answer questions regarding both the questionnaire and the letter.

** The cost of the rental car is included in the EPA travel costs

6(d) Estimating the Respondent Universe and Total Burden and Costs

EPA estimates that 1,200 facilities in the paint manufacturing industry will be requested to complete a questionnaire, 100 of those facilities will be requested to complete a letter response, and 25 facilities will be visited by EPA. Based on the variety of facilities and activities, EPA estimates that the total hour burden to the regulated community is 33,600 hours, corresponding to an estimated cost of \$1,420,800, for the questionnaire, and 600 hours, corresponding to an estimated cost of \$26,000, for the letter. Exhibit 6-4(a) presents total respondent burden hours and costs for questionnaires, letters, and site visits.

Respondent Universe

The Respondent Universe consists of all facilities in the paint production (or "paint manufacturing") industry. The paint production facilities universe is comprised of a list of paint production facilities identified from four sources: the *Paint Red Book*; facilities reporting to TRI (Toxic Releases Inventory), facilities reporting to BRS (Biennial Reporting System) and facilities listed in Dun & Bradstreet.

Estimating Respondent Costs

Respondent costs were estimated using the following criteria and assumptions. As with industries surveyed previously by EPA, the burden for completing this questionnaire will vary substantially across the range of paint production facilities. EPA anticipates that average respondent burden will break down by questionnaire section as shown in Exhibit 6.1.

Based on available information, EPA estimates that approximately 30% of the questionnaire respondents will report that they do not currently manufacture paint, that 50 percent of the remaining respondents generate solvent cleaning residuals, 100 percent generate water and/or caustic cleaning residuals, 50 percent generate wastewater treatment sludges on-site, 80 percent generate emission control dusts and sludges, and 100 percent generate off-specifications production residuals.

6(e) Respondent Bottom Line Burden Hours and Costs

6(e)(i) Respondent Tally

See Exhibit 6-4(a) for the total estimated respondent burden and cost summary.

6(e)(ii) The Agency Tally

Exhibit 6-4(b) presents the total burden hours and costs to paint production facilities and to the federal government.

Exhibit 6-4 Bottom Line Burden Hours and Costs

a: Estimated Hours and Costs to Respondents (Paint Production Plants)

Activity	Events	# Burden Hours per Event	Total Burden Hours	Burden per Event (\$)	Total Burden (\$)
Questionnaire	1,200	28	33,600	\$1,184	\$1,420,800
Letter	100	6	600	\$260	\$26,000
Site visit	25	10	250	\$525	\$13,125

b: Estimated Total Costs

Activity	Respondents		Federal Government		Total	
	Hours	Dollars	Hours	Dollars	Hours	Dollars
Questionnaire	33,600	\$1,420,800	2,490	\$120,075	36,090	\$1,540,875
Letter	600	\$26,000	110	\$5,275	710	\$31,275
Site visit	250	\$13,125	966	\$72,045	1,216	\$85,170

6(e)(iii) Variations in the Annual Bottom Line

As this is a one-time data collection activity, there are no variations in the annual bottom line.

6(f) Reasons for Change in Burden

This section does not apply to this ICR since EPA is not renewing or modifying an existing ICR at this time.

6(g) Burden Statement

EPA has developed the following burden box for the questionnaire which is shown in Exhibit 6-5. The burden box is a brief statement of the estimated burden for the Paint Manufacturing Waste Industry Survey along with a request for comments and suggestions regarding the respondent burden of the questionnaire.

Exhibit 6-5. Burden Statement for the Paint Manufacturing Waste Industry Survey

Public reporting burden for this collection of information is estimated to be 28 hours per response to the questionnaire and 6 hours per response to the letter. This includes time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the questionnaire responses. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection to Mr. David J. Carver, U.S. Environmental Protection Agency (mail code 5304W), 401 M St., SW, Washington, D.C. 20460. Include the EPA ICR number and OMB control number in any correspondence.

APPENDIX A. FEDERAL REGISTER NOTICE SOLICITING COMMENTS ON THE BURDEN ESTIMATES FOR RESPONDENTS

ENVIRONMENTAL PROTECTION AGENCY

**Agency Information Collection Activities--Proposed Collection; Comment Request; RCRA
Section 3007 Questionnaire of the Paint Manufacturing Industry**

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice is soliciting comment on the Information Collection Request (ICR) entitled "RCRA Section 3007 Questionnaire of the Paint Manufacturing Industry." EPA is currently in the process of making a determination whether certain waste streams generated from the manufacture of paint in the United States should be regulated as listed hazardous waste under the Resource Conservation and Recovery Act (RCRA). This notice describes the proposed information collection efforts and their expected burden and cost.

DATES: Comments must be submitted on or before **[Insert 60 days after publication in the FEDERAL REGISTER]**.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F-1999-PMIP-FFFFF to RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address below. Comments may also be submitted electronically through the Internet to: <rcradocket@epa.gov>. Comments in electronic format should also be identified by



the docket number F-1999-PMIP-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. The index and some supporting materials are available electronically.

The ICR is available on the Internet. Follow these instructions to access the information electronically:

WWW: <http://www.epa.gov/epaoswer/hazwaste/id/paint/index.htm>

FTP: [ftp.epa.gov](ftp://ftp.epa.gov)

Login: anonymous

Password: your Internet address

Files are located in /pub/epaoswer

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing.

EPA responses to comments, whether the comments are written or electronic, will be in a notice in the "Federal Register". EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424-9346 or TDD 800 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703 412-9810 or TDD (703) 412-3323. For more detailed information on specific aspects of this effort, contact David J. Carver, Office of Solid Waste, Mailcode 5304W, U.S. Environmental protection Agency, 401 M Street, S.W. (5304W), Washington, D.C., 20460, (703) 308-8603, by fax (703) 308- 0514, by EMAIL at carver.david@epa.gov.

SUPPLEMENTARY INFORMATION:

Title: Paint Manufacturing Waste Industry Survey (EPA ICR No.1925.01).

Abstract: The paint manufacturing waste streams (or residuals) on which the Agency is obligated to make a hazardous waste listing determination is specified in the December 4, 1994, consent decree, as amended (EDF v. Browner, Civ. No. 89-0598) and includes the following waste streams from the manufacture of paint: (1) solvent cleaning wastes, (2) water/caustic cleaning wastes, (3) wastewater treatment sludge, (4) emission control dust or sludge, and (5) off-specification production wastes.

This Information Collection Request (ICR) describes the types of information collection necessary for EPA to analyze how solid and hazardous waste is currently managed in the United States Paint Manufacturing Industry. It proposes the following information collection efforts:

- a Section 3007 questionnaire pursuant to Sections 3001 and 3004 of RCRA
- process flow diagram requests for no more than 100 facilities
- clarifications and updates to the 3007 questionnaire and process flow diagram requests
- facility site visits which will include sampling and analysis.

If EPA concludes that certain waste streams should be regulated as listed hazardous waste, then the information collected may also be applied to (1) a Land Disposal Restrictions (LDR) and Capacity Analysis, (2) a source reduction and/or recycling analysis, (3) a supporting risk assessment, and (4) an economic analysis.

EPA intends to send a RCRA Section 3007 Questionnaire to all U.S. paint facilities that

manufacture paint. The Section 3007 Questionnaire proposes to collect the following information:

- corporate/facility data – name, location, EPA hazardous waste generator identification number (if applicable), and facility contact information;
- residual generation information and residual management practices; and
- residual characterization information – residual constituents and concentrations;

This information is necessary since the Agency will use waste types, concentrations, and current management practices to support its final listing decision.

If approved by OMB, facilities will be required to respond to the Agency within 30 days of receipt of this questionnaire. A facility is only required to respond to a questionnaire that displays a currently valid OMB control number and expiration date. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Ch. 15.

In addition to the RCRA 3007 questionnaire, this ICR proposes to allow EPA to (1) clarify and update, when and where appropriate, information received from facilities, (2) request paint manufacturing process descriptions or schematics from no more than 100 facilities, and (3) conduct site visits to no more than 25 facilities which could include sampling and analysis of residual streams under study. EPA will only clarify and update information received from either the RCRA Section 3007 Questionnaire or from the Process descriptions. The Agency will

always request additional information if the Agency requires more information to understand residual generation, residual characterization, and/or residual management practices.

EPA will send paint manufacturing process description requests to no more than 100 facilities via a RCRA Section 3007 letter. These letters will request information such as process flow diagrams. The Agency requires this information to better understand (1) the paint manufacturing processes and (2) the exact points of generation for each identified residual meeting the scope of this listing determination. Finally, EPA proposes to visit no more than 25 paint manufacturing facilities to evaluate paint manufacturing residual generation and management processes. These site visits may include sampling and analysis should the Agency consider it necessary.

Burden Statement: This ICR seeks approval for the Agency to require the following from paint manufacturers: (1) respond to a Section 3007 Questionnaire, (2) provide manufacturing process information in response to Section 3007 letters, (3) provide clarifications and updates to the 3007 questionnaires and letters, and (4) support EPA site visits. For purposes of this analysis, burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal Agency. This burden estimate includes the time required to:

- review instructions
- develop, acquire, install, and utilize technology for the purposes of collecting, validating,

and verifying information, processing and maintaining information, and disclosing and providing information

- adjust the existing ways to comply with any previously applicable instructions and requirements to train personnel to be able to respond to a collection of information
- search available data sources
- complete and review the collected information
- transmit or otherwise disclose the information to the Agency.

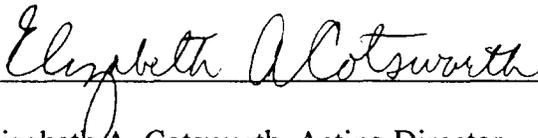
The total burden of this ICR on the entire paint manufacturing industry is estimated at 34,450 hours. This estimated total burden is derived from the following: 33,600 burden hours for the 3007 questionnaire, 600 burden hours for the process description requests, and 250 burden hours for the site visits. The total burden is calculated using an estimated industry size of 1200 respondents. The methods and assumptions used to estimate the total burden estimate are located in the supporting statement to this ICR. The supporting statement is located in the RCRA docket for this ICR. Specifically, the average annual burden imposed by the RCRA 3007 questionnaire is approximately 28 hours per respondent. The facility site trip burden is approximately 10 hours per respondent. EPA estimates that the Agency will be visiting 25 facilities. Also, EPA estimates that the total burden per respondent for responding to an EPA request for process flow diagrams is estimated to be 6 hours/respondent.

Comments: EPA is requesting comments on all aspects of this Information Collection Request. Specifically, EPA requests comments on (1) the RCRA Section 3007 Questionnaire (2) the

appropriateness of this ICR, (3) the accuracy of the provided burden estimates, and (4) any suggested methods for minimizing respondent burden, including the use of automated collection techniques.

**Agency Information Collection Activities--Proposed Collection; Comment Request; RCRA
Section 3007 Questionnaire of the Paint Manufacturing Industry**

(p. 8 of 8)



Elizabeth A. Cotsworth, Acting Director

Office of Solid Waste



Dated.

APPENDIX B. DRAFT PAINT MANUFACTURING WASTE INDUSTRY SURVEY

RCRA Section 3007 Survey for Paint Manufacturing Facilities

PART 1: INTRODUCTION/OVERVIEW

1. *Why Did I Receive This RCRA Section 3007 Questionnaire ?*

The United States Environmental Protection Agency (EPA, the Agency) sent you this RCRA Section 3007 questionnaire (or, questionnaire) because your facility may manage certain residuals generated from the manufacture of paints, varnishes, lacquers, enamels, and shellacs in the United States. If your facility manufactures any of these products, then you are required to complete this questionnaire. If your facility has never or does not currently manufacture these products, then you received this questionnaire in error. Please verify that your facility has never or does not currently manufacture paint by (1) completing Part 3 a-c, (2) signing and dating the certification statement in Part 5b, and (3) returning the certification to the address listed in Question 4, Part 2.

2. *Why is EPA Requesting This Information ?*

The Agency is now determining whether certain residuals generated from paint manufacturing should be classified as listed hazardous waste in the Code of Federal Regulations under the Resource Conservation and Recovery Act (RCRA), 42 USC 6901 et seq. The information requested in this questionnaire is necessary for EPA to analyze how solid and hazardous waste is currently managed in the United States Paint Manufacturing Industry. The information you provide EPA will be used to make a hazardous waste listing determination that must be proposed by January 28, 2001. This listing determination must be finalized by March 30, 2002.

3. *Am I Required to Respond to This Questionnaire?*

Yes. The EPA has the authority to collect this information under OMB Clearance Number _____ which expires on _____. Failure to submit the requested information within thirty (30) days of receipt of this questionnaire can result in civil penalties under RCRA.

4. *What Information is the Agency Requesting ?*

The Agency is collecting information on five different types of residuals generated from the manufacture of paint:

- solvent cleaning residuals (spent solvents, caustic washes, and solids generated from tank and equipment cleaning operations);
- water and/or caustic cleaning residuals (wastewaters containing caustic rinses, rinse waters, solids generated from tank and equipment cleaning);
- wastewater treatment sludges **generated on-site** (sludges generated from the treatment of other types of plant wastewaters);
- emission control dusts and sludges (collected dusts from air filters, sludges from scrubbers);
- and lastly, off-specification production residuals (samples and waste customer returns).

5. How is This Questionnaire Structured ?

This questionnaire is divided into five main parts:

- Part 1. Introduction/Overview
- Part 2. Instructions on How To Complete The Questionnaire.
- Part 3. Corporate and Facility Information
- Part 4. Residual Generation Information and Management Practices
- Part 5. Certification Statements
- Appendix A: Confidentiality Claims

Please read through the entire questionnaire before completing each part sequentially.

PART 2: INSTRUCTIONS

1. Do I Have to Address All Questions ?

Yes. You must address all questions and certify to the truth and completeness of the responses in the Part 5 Certification. A senior official having authority over plant operations should complete the Part 5 signature/certification block. You may hire a consultant to help you complete the questionnaire; however, you alone are responsible for the information you provide. You are only expected to complete this questionnaire using only available information or best engineering judgement. You are not required to generate any new data to respond to the questions.

2. How Can I Claim Information as RCRA Confidential Business Information (CBI)?

If you believe that some of the information you supply is commercially sensitive, then you may claim this information as RCRA Confidential Business Information (CBI) under 40 CFR Part 2. You may not withhold information from the Agency because you claim it as confidential. Information that you claim to be confidential is handled by EPA according to the provisions set forth in 40 CFR Part 2 Subpart B. Information that you do not claim as CBI upon submission may be made available to the public without further notice to you.

If you are claiming information contained in this questionnaire as CBI, please check the box marked CBI which is located next to each information request. This will signify to the Agency that you deem the information as CBI. You are required to substantiate why you are making each CBI claim. Claims of confidentiality for information which is typically available through public resources are unlikely to be supportable. Appendix A provides a copy of what is required to properly substantiate your claim. If you do not substantiate your claim, then you waive your right to claim the information as CBI.

EPA must protect all information claimed as CBI from disclosure to anyone other than EPA and its authorized representatives. This information may not be released under the Freedom of Information Act (FOIA) unless the Agency denies a specific CBI claim. If your claim is denied, then you have the right to seek judicial review.

3. How Do I Submit My Responses to this Questionnaire If I Have Claimed CBI?

If you have claimed any portions of this survey as CBI, please send the completed survey within 30 days from date of receipt by the addressee to the CBI Document Control Officer Regina Magbie at the following address using registered mail, return receipt requested:

Regina Magbie
Office of Solid Waste
U.S. Environmental Protection Agency
2800 Crystal Drive- 7th floor
Arlington, VA 22202

For technical assistance, please call (703) XXX-XXXX.

If time is critical, CBI may also be transferred using express postal service to the same above address.

PLEASE NOTE: Regardless of which mailing method is used, all CBI materials must be double wrapped. The inner wrapping must be labeled with the transferee's name and the statement "RCRA Confidential Business Information – To Be Opened By Addressee Only". The outer wrapping must be labeled only with the name and address of the recipient and the return address of the transferor. **DO NOT INDICATE ON THE OUTER WRAPPER THAT THE PACKAGE CONTAINS RCRA CBI.**

4. How Do I Submit My Responses To This Questionnaire If I Have Not Claimed RCRA CBI?

For all non-CBI submittals, please return the completed questionnaire within 30 days from date of receipt by the addressee to:

For Standard Postal Delivery:

David J. Carver
Office of Solid Waste
U.S. Environmental Protection Agency
401 M Street, S.W. (Mailcode 5304W)
Washington, D.C. 20460

For Overnight Delivery or Courier Service, please use the following address:

David J. Carver
Office of Solid Waste
U.S. Environmental Protection Agency
2800 Crystal Drive- 9th floor
Arlington, VA 22202

5. Whom Do I Contact For Technical Assistance on this Questionnaire?

Please contact EPA by telephone at (703) XXX - XXXX or by e-mail at [insert e-mail address] with any questions regarding this survey.

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PART 3: CORPORATE AND FACILITY INFORMATION

Please provide the requested information for your facility on the lines below.

a. Name of Company/Affiliate _____

b. Physical Address of Facility _____

c. Facility Contact and Phone Number _____

d. RCRA Waste Generator ID Number _____

PART 4: RESIDUAL GENERATION AND MANAGEMENT PRACTICES

Part 4a. Residual Generation Description

Directions: If your facility generates residual(s) classified under any of the five residual types listed below, then you must complete this page. For each residual that your facility generates, assign a unique Residual Identification Number (RIN). Next, specify (✓) the appropriate residual type and answer all questions on this page. Complete a separate page for each residual. Please copy and attach additional pages as needed.

Residual Identification Number (RIN) _____

Residual Type

(check one)

- CBI _____ Solvent Cleaning Residual
_____ Water Caustic
_____ Waste Water Treatment Sludge
_____ Emission Control Dust
_____ Off-Specification Product

Is this residual (identified by the above RIN) Currently Managed as a Hazardous Waste? ___ No ___ Yes

If Yes, please specify relevant federal RCRA hazardous waste codes for this RIN: _____,
_____, _____, _____

Total residual generated in 1997 _____ 1998 _____ CBI
(specify tons for solids and gallons for liquids)

Is this residual a federal RCRA hazardous waste that is recycled, reclaimed or reused (according to the definitions of these terms in 40 CFR Part 266)? _____ yes _____ no CBI

If yes to the previous question, is this residual reclaimed, burned for energy recovery, used to make a fuel, reused as an ingredient in a product other than paint, or used as a substitute for another product (without reclamation)?

_____ yes _____ no CBI

Does your facility receive a payment for receipt of this RIN? _____ yes _____ no. If yes, specify payment received \$ _____ CBI

Part 4b. Residual Management Activity Information for Each Residual Identification Number specified.

The purpose of this section is to collect detailed information on how your facility manages each residual you identified in Part 4a. Use the table below to completely track how each residual is managed from its point of generation to its final management scenario. Then complete the appropriate residual management table(s) located on pages 7-14. When completing the table(s), follow the general directions below and any explanatory footnotes located below the individual residual management tables.

NOTE: When completing residual management tables, specify the sequence of residual management for each RIN. For residuals that are managed in more than one unit, designate Step ___ of ___ in the upper right corner of row one. For instance, if a wastewater treatment sludge (RIN#) is collected in a drum at its point of generation and then incinerated, complete two tables describing each management step. Place a Step 1 of 2 on the Table 6 (containers), specifying the first step of management. On Table 7 (incineration) place a Step 2 of 2, signifying the final management stage.

If your residual is managed in/by...	Then go to Table...	Located On Page...
Landfills	1	7
Waste Piles	2	8
Surface Impoundments	3	9
Tanks	4	10
Land Application/Farming/Treatment	5	11
Containers	6	12
Fuel Blended, sent to Incinerator, Light Weight Aggregate Kiln (LWAK), Cement Kiln (CK), or Boiler and Industrial Furnace	7	13
Sent to a POTW, privately owned treatment work, to surface waters under a NPDES permit, or disposed of through underground injection	8	14
Other	8	14

GENERAL DIRECTIONS: Complete a separate table for each RIN identified in Part 4a. On each table:

- 1) Identify the RIN
- 2) Specify how the residual is managed in each unit
- 3) Indicate if the residual is managed on or off-site
- 4) Specify the total annual residual placed in a unit for 1998

Note: Characterize management units for Tables 1-6 as explained in the footnotes below each table.

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Table 1. Landfills

1) RIN:		Step ___ of ___											
2) Residual Management in Landfills	3) Location		4) residual quantity from your facility placed in (or sent to) unit annually	5) liners ¹ <input type="checkbox"/> CBI							6) run off controls ² <input type="checkbox"/> CBI	7) daily cover ³ <input type="checkbox"/> CBI	
	<input type="checkbox"/> CBI	<input type="checkbox"/> on-site <input type="checkbox"/> off-site		leachate collection layer	re-compacted clay	synthetic liner	re-compacted soil other than clay	no liner	liner type unknown	other liner (specify)			
subtle D industrial waste landfill <input type="checkbox"/> CBI													
subtle C industrial waste landfill <input type="checkbox"/> CBI													
municipal waste landfill <input type="checkbox"/> CBI													

Other Information on Landfills:

¹ Check (✓) the type of liner that is associated with the landfill. If there are multiple layers of liners are present, add a check in the appropriate column for each layer. If the landfill is off-site and the liner is unknown, check unknown. Do not guess at the liner type. **Native soils/clay soils already present underneath the unit and sludge layers to not qualify as liners.** For this case, check the no liner column. If the type of liner present beneath your unit is not indicated on this table, write in the liner type in the column labeled "other".

² Indicate whether runoff controls are present with a yes (Y) or no (N). Runoff controls are engineered barriers such as berms and dikes that will prevent water in soils from running on to and off of the unit.

³ Indicate whether a daily cover is applied while the landfill is operating with a yes (Y) or no (N).

Table 2. Waste Piles

1) RIN:		Step ___ of ___												
2) Residual Management in Waste Piles	3) Location <input type="checkbox"/> CBI	4) residual quantity placed from your facility in unit annually <input type="checkbox"/> CBI		5) liners and/or secondary containment ¹ <input type="checkbox"/> CBI							6) run off control ² <input type="checkbox"/> CBI			
		on-site	off-site	leachate collection layer	re-compacted clay liner	re-compacted soil layer other than clay	synthetic liner	concrete pad	no liner	liner type unknown		other liner (specify)		
treatment in waste piles <input type="checkbox"/> CBI														
storage in waste piles <input type="checkbox"/> CBI														

Additional Waste Pile Information:

¹ Check (✓) the type of liner that is associated with the waste pile. If there are multiple layers of liners are present, check the appropriate column for each layer. If the waste pile is off-site and the liner is unknown, check unknown. Do not guess at the liner type. **Native soils/clay soils already present underneath the unit and sludge layers to not qualify as liners.** For this case, check the no liner column. If the type of liner present beneath your unit is not indicated on this table, write in the liner type in the column labeled "other".

² Indicate whether runoff controls are present with a yes (Y) or no (N). Runoff controls are engineered barriers such as berms and dikes that will prevent water and soils from running on to and off of the unit.

Table 3: Surface Impoundments

1) RIN:		Step ___ of ___															
2) Residual Management in Surface Impoundment <input type="checkbox"/> CBI	3) Location <input type="checkbox"/> on-site <input type="checkbox"/> off-site	4) residual quantity from your facility placed in unit annually <input type="checkbox"/> CBI	5) liners <input type="checkbox"/> CBI								6) aeration/ biological treatment <input type="checkbox"/> CBI		7) covers/emission control <input type="checkbox"/> CBI				
			leachate	re-compacted	re-compacted soil other	synthetic liner	no liner	presence of liner or type of liner unknown	other liner (specify)	no aeration	low aeration	high aeration	biological treatment	no cover	cover with vents and NO emission collection system	cover with vents and emission collection system	
storage in surface impoundments <input type="checkbox"/> CBI																	
treatment in surface impoundments <input type="checkbox"/> CBI																	
disposal surface impoundment <input type="checkbox"/> CBI																	

Additional Surface Impoundment Information:

¹ Check (✓) the type of liner that is associated with the surface impoundment. If there are multiple layers of liners are present, add a check for each layer. If the surface impoundment is off-site and the liner is unknown, check unknown. Do not guess at the liner type. **Native soils/clay soils already present underneath the unit and sludge layers to not qualify as liners.** For this case, check the no liner column. If the type of liner present beneath your unit is not indicated on this table, write in the liner type in the column labeled "other".

² Indicate whether the surface impoundment is aerated or not, or, whether it has a low or high level of aeration, by placing a check in the appropriate column. Low aeration is defined as a surface impoundment that contains aerators with a power of 70 hp/million gallons; high aeration aerators operate at greater than 70 hp/million gallons. Also, indicate if biological treatment is occurring by placing a check in the appropriate biological treatment column.

³ Indicate whether the surface impoundment is covered and if so, whether or not the cover has vents that directly release to the atmosphere or into an emission collection system. Place a check in the appropriate columns for your unit.

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Table 4: Tanks

1) RJN:		Step ___ of ___								
2) Residual Management in Tanks <input type="checkbox"/> CBI	3) Location <input type="checkbox"/> CBI		4) residual quantity from your facility placed in unit annually <input type="checkbox"/> CBI		5) aeration/biological treatment ¹ <input type="checkbox"/> CBI			6) covers/emission control ² <input type="checkbox"/> CBI		
	on-site	off-site	no aeration	aeration	biological treatment	cover/emission control	no cover	cover with vents and NO emission collection system	cover with vents and emission collection system	
storage in tanks <input type="checkbox"/> CBI										
treatment in tanks <input type="checkbox"/> CBI										

Additional Tank Information:

¹ Indicate whether the tank is aerated or not and, if aerated, indicate whether it has a low or high level of aeration by placing a check (✓) in the appropriate column. Low aeration is defined as a tank that contains aerators with a power of 70 hp/million gallons; high aeration aerators operate at greater than 70 hp/million gallons. Also, if biological treatment is occurring, place a check in the biological treatment column.

² Indicate whether the tank is covered and, if so, whether or not the cover has vents that directly release to the atmosphere or into an emission collection system. Place a check in the appropriate columns for your unit.

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Table 5: Land Application/Treatment/Farming

1) RIN:		Step ___ of ___	
2) Residual Management in Land Application/Treatment/Farming	3) Location <input type="checkbox"/> CBI	4) residual quantity from your facility placed in unit annually <input type="checkbox"/> CBI	5) liners ¹ <input type="checkbox"/> CBI
	on-site	off-site	leachate re-compacted clay liner re-compacted soil other than clay synthetic liner no liner other liner (specify)
land application/treatment/ or farming unit <input type="checkbox"/> CBI	6) run off control ² <input type="checkbox"/> CBI		7) Application Method ³ <input type="checkbox"/> CBI
			soil incorporation:tilling or disking soil incorporation:surface injection surface application - not spraying surface application by spraying

Additional Land Application/Treatment/Farming Information:

¹ Check (✓) the type of liner that is associated with the landfill. If there are multiple layers of liners are present, add a check in the appropriate column for each layer that is present. If the landfill is off-site and the liner is unknown, check unknown. Do not guess at the liner type. **Native soils/clay soils already present underneath the unit and sludge layers to not qualify as liners.** For this case, check the no liner column. If the type of liner present beneath your unit is not indicated on this table, write in the liner type in the column labeled "other".

² Indicate whether runoff controls are present with a yes (Y) or no (N). Runoff controls are engineered barriers such as berms and dikes that will prevent water and soils from running on to and off of the unit.

³ Indicate the method used to apply the residual by placing a check in the appropriate column. If the residual is incorporated in to the soil by tilling or disking, check the 1st column under application. If the residual is incorporated into the soil by injection, check the 2nd column under application. If the residual is not incorporated into the soil and is applied on top of the unit by a method other than spraying, check the 3rd column under application. Finally, if the residual is spray applied onto the unit check the 4th column under application. If more than one method is used on the unit, check all the columns that apply.

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Table 6: Containers

1) RIN:		Step ___ of ___					
2) Residual Management in Containers <input type="checkbox"/> CBI	3) Location <input type="checkbox"/> CBI		4) residual quantity from your facility placed in unit annually <input type="checkbox"/> CBI	5) container types ¹ <input type="checkbox"/> CBI			6) Maximum Number of Days Stored in Container ² <input type="checkbox"/> CBI
	on-site	off-site		drums	roll-offs	bag	
storage in containers <input type="checkbox"/> CBI							other (specify)

Additional Container Information:

¹ Check the type of container that is used for storing your residual. If multiple container types are used, place a check in all columns that apply. If the container type is not listed, describe the container in the column labeled "other".

² Specify the maximum number of days that the residual is stored in the containers. Enter a number into the column, for example "10 days".

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(5)

Table 7: Use In Fuel Blending, Management in Incinerators, Light Weight Aggregate Kilns, Cement Kilns, or in Boilers and/or Industrial Furnaces

1) RIN:			Step ___ of ___	
2) Residual Management Activity	3) Location <input type="checkbox"/> CBI		4) residual quantity from your facility placed in (or sent to) unit annually <input type="checkbox"/> CBI	
	on-site	off-site		
Use in fuel blending <input type="checkbox"/> CBI				
incineration <input type="checkbox"/> CBI				
Light Weight Aggregate Kilns <input type="checkbox"/> CBI				
Cement Kilns <input type="checkbox"/> CBI				
burning in boiler or industrial furnace <input type="checkbox"/> CBI				

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Table 8: Management in POTWs, NPDES, Privately Owned Treatment Works, Underground Injection Wells, or Other Disposal not Listed

1) RIN:			Step ___ of ___
2) Residual Management to POTWs, NPDES, Privately Owned treatment Works, Underground Injection, and Other Types of Treatment. ¹	3) Location		4) residual quantity placed in unit annually <input type="checkbox"/> CBI
	<input type="checkbox"/> CBI on-site	off-site	
discharge to POTW <input type="checkbox"/> CBI			
_____ (total volume)			
discharge under NPDES permit <input type="checkbox"/> CBI			
_____ (total volume)			
discharge to privately owned treatment <input type="checkbox"/> CBI			
_____ (total volume)			
underground injection <input type="checkbox"/> CBI 5) if so, permit number _____ Class <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>			
other type of treatment (describe) <input type="checkbox"/> CBI			
other type of storage (describe) <input type="checkbox"/> CBI			
other type of disposal (describe) <input type="checkbox"/> CBI			

¹This is the table to use to fill out information on other residual waste management practices you may employ at your facility that were not covered at the previous tables. If this is the case, then describe the treatment, storage, or disposal practice you use in the appropriate row under column 2.

² Specify total facility volume sent to each discharge point in the space provided next to each management type.

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PART 4c. Residual Constituent Information.

Please identify the constituent(s) for each residual that you have identified in Part 4a for the year 1998. Also, please provide (if known) the constituent concentration in mg/l. If not known, leave blank. If constituent information is contained in a laboratory analysis sheet, you may provide copies of them in lieu of completing this table.

Residual Identification Number (RIN)	Constituent(s) in RIN	Constituent Concentration (mg/L)
	□ CBI	□ CBI

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PART 5: CERTIFICATION

Part 5a. Certification of Information Provided

I certify under penalty of law that I have personally reviewed and am familiar with the information contained in the questionnaire, and, based on my inquiry of those responsible for obtaining the information, I believe the above to be true and complete, and I am aware that there are substantial penalties for submitting false information, and penalties for not returning this questionnaire to the Agency in the time period required.

Signature _____ Dated _____

Printed Name _____

Title _____

Telephone _____

Authority for the collection of the above information is contained in the Resource Conservation and Recovery Act (RCRA), 42 USC 6901 et seq.

Part 5b. Certification For Non-Manufacturer of Paint

I certify under penalty of law that I have reviewed the history of this company and am familiar with current production and residual management generation, and that this company does not currently manufacture paint and, thus, has not and does not generate paint residual covered under the scope of this questionnaire.

Signature _____ Dated _____

Printed Name _____

Title _____

Telephone _____

PLEASE BE SURE TO RETAIN A COPY OF YOUR SIGNED COMPLETED QUESTIONNAIRE FOR YOUR RECORDS

Appendix A
Confidentiality Claims

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Substantiating the Claim of Confidentiality

You may make a confidential business information (CBI) claim for each data element that is sensitive data. The following series of questions needs to be filled out for each data point that is claimed to be CBI. Attach additional pages as needed.

1. For what period of time do you request that the information be maintained as confidential? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the period of time specified in your answer to question #1?
3. What measures have you taken to protect the information claims as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

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4. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
5. Is the information contained in any publicly available material such as promotional publications, annual reports, articles, permits, etc.? Is there any means by which a member of the public could obtain access to the information?
6. For each section of information claimed as confidential, discuss with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the nature of these harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Please discuss any other information you deem relevant.

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